

1 Q I think it is pretty easy to do.
2 A Yes. All right.
3 Q Okay. Page 7. Okay. Are you on page 7?
4 A Yes.
5 Q Okay. Can you read for us the second
6 sentence?
7 A Yes.
8 JUDGE STIRMER: This is in the record. The
9 witness doesn't have to read it into the record, Mr.
10 Shook.
11 BY MR. SHOOK:
12 Q You see there, do you not, that she is
13 complaining about both Channel 6 and 8?
14 A Yes.
15 Q And then that she is also complaining about
16 Channel 12?
17 A Yes.
18 Q And you also see the last sentence on the
19 page? Admittedly, part of the bottom is difficult to
20 read. And she states, they have been told, or she has
21 been told, that the station is working on the problem.
22 Do you see that?
23 A Yes, I see that.
24 Q Okay. And by "working on the problem"?
25 A Trying to find --

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1 Q Trying to find a filter?

2 A -- a filter.

3 Q Now referring to paragraph 6 of your
4 testimony, can you tell us what your understanding was
5 of Mr. Baggett's experience in running radio stations?

6 A Mr. Baggett was an owner of a radio station
7 in Wickcliff, Kentucky, and he had been for
8 approximately six years.

9 Q And what kind of station was that?

10 A It is an AM station, WBCE.

11 Q Now the third sentence of paragraph 6 reads,
12 "Mr. Stewart was mostly involved in technical matters."
13 Can you tell us what technical matters, or what you
14 mean by "technical matters"?

15 A He was mostly trying to help find out a
16 solution to the interference problem.

17 Q All right. So that was his concern at this
18 point, not your concern?

19 A No, we were all working on it. To be very
20 honest with you, we were all doing what we could on it.

21 Q Okay.

22 A Trying to find information.

23 Q Right. Do you know what it was that he was
24 actually doing?

25 A No, I don't.

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1 Q Well, I mean, in terms of the technical
2 matters, if you could just flesh it out a little bit
3 more. What exactly was he doing?

4 A He was talking to Mr. Fisher, Kevin Fisher,
5 who was the consulting engineer in Washington, D.C.,
6 asking him what could be done.

7 Q Now in your testimony, it is going to be
8 about -- well, I will count the lines. The 10th line
9 down in paragraph 6.

10 A Uh-huh.

11 Q Now this makes reference to the FCC letter.
12 I take it that is the letter that is, you know,
13 Attachment 1 to your testimony? Correct?

14 A Yes.

15 Q And the sentence has in there a clause.
16 Well, I will read the sentence. "He showed us the FCC
17 letter," etc., "which explained blanketing interference
18 and what it looked like on a TV set." Now what in
19 particular are you referring to in either the FCC
20 letter or the attachments? Do you know what in
21 particular you had in mind here?

22 A The exhibits from Karen Raines.

23 Q Okay. Could you direct me to what in
24 particular you are referring to here?

25 A What we were referring to? I would refer to

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1 the one, 16 of Radio World, the next page, the next
2 page, and all of those pages there, and also the letter
3 that she sent us on FM blanketing interference. The
4 whole thing was what we were referring to.

5 Q Well, what I am focusing on is the
6 explanation of what blanketing looked like on a TV set.
7 And, you know, take your time to look through this, but
8 I would like to know what in particular that you are
9 referring to when you make that statement.

10 A Okay.

11 MR. SHOOK: Your Honor, we could go off the
12 record while this -- if it is acceptable.

13 JUDGE STIRMER: Off the record.

14 (Off the record.)

15 (Back on the record.)

16 THE WITNESS: Possibly what was meant by that
17 was that this explained to me what FM blanketing was,
18 this here. Mrs. Raines, I talked to her on the phone,
19 and she told me what FM blanketing would look like on a
20 screen.

21 BY MR. SHOOK:

22 Q Okay. So there is nothing in particular in
23 this letter that tells you what blanketing looks like?

24 A No, it explained to me what FM blanketing
25 was, our responsibilities and what we were not

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1 responsible for. And on the phone she did tell me what
2 FM blanketing would look like on a television screen.

3 Q All right. But, I mean, I just want to
4 establish that the letter doesn't have that?

5 A I didn't see it there, no. That should have
6 read, explained what FM blanketing was.

7 MR. SHOOK: Your Honor, in light of that, I
8 would move to strike that clause from Mrs. Stewart's
9 testimony.

10 MR. DUNNE: No objection, Your Honor.

11 JUDGE STIRMER: All right. We will strike
12 particularly the attachments which explain what
13 blanketing interference was and what it looked like on
14 the TV set.

15 MR. SHOOK: Yes. Your Honor, my motion to
16 strike is really limited to the clause beginning with
17 the word "and" and then going through the end of the
18 sentence.

19 JUDGE STIRMER: All right. That portion will
20 be stricken.

21 BY MR. SHOOK:

22 Q Do you recall, Mrs. Stewart, what, if any,
23 instructions were given to Mr. Baggett in terms of what
24 he was supposed to do to deal with blanketing
25 interference?

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1 A Whatever was necessary, whatever was needed.

2 Q And were these instructions given to him
3 orally, or were they put in writing?

4 A Just orally.

5 Q Now is Mr. Baggett an engineer?

6 A No.

7 Q And so that is why he went to Mr. Abernathy?

8 A Yes.

9 Q Is it your understanding that Mr. Abernathy
10 at some point went to Dairel Denton's house?

11 A That is what Mr. Denton said.

12 Q And so, in other words, you had a
13 conversation with Mr. Denton subsequently about this?

14 A It was through a letter that he sent to the
15 FCC. He claimed, he said that Mr. Abernathy had come
16 to his home.

17 Q Right. But I mean did you ever speak with
18 Mr. Denton about this?

19 A No.

20 Q Did you ever speak with Mr. Abernathy about
21 any work that he did to try to resolve complaints of
22 blanketing interference?

23 A No, he was going to Mr. Baggett at that time.

24 Q Okay. Then did Mr. Baggett tell you?

25 A Mr. Baggett did not say anything about it to

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1 me, no, sir.

2 Q Now apparently it wasn't too long after
3 Mr. Abernathy went to Mr. Denton's house that
4 Mr. Abernathy and Mr. Baggett left the station?
5 Correct?

6 A Yes.

7 Q And how long a period of time elapsed between
8 the time Mr. Baggett left and the time Mr. Tippet came
9 on to work at the station?

10 A A week or two.

11 Q Now what instructions, if any, were given to
12 Mr. Tippet with respect to what he should do to
13 resolve complaints of blanketing interference?

14 A At that time it was decided that I would take
15 care of the complaints, since we felt that that would
16 lessen any mistakes being made.

17 Q So it would be fair to state that Mr. Tippet
18 really didn't have anything to do with resolving
19 blanketing interference complaints?

20 A That is correct.

21 Q Now moving on paragraph 7 of your testimony,
22 can you tell us what period of time is referenced in
23 paragraph 7?

24 A Approximately six months, I would say.

25 Q Is this commencing with October now or --

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1 A October.

2 Q Okay.

3 A When we came on the air.

4 Q So we are talking approximately October '88
5 to April 1989?

6 A Yes.

7 Q Now what station records were kept in the
8 normal course of business with respect to persons who
9 actually did give their names?

10 A They were written down and then given to me
11 for me to make the call.

12 Q Okay. Was there a central log kept of
13 complaints, or was it that a telephone message would be
14 handed to you that so-and-so called and then you would,
15 you know, deal with that accordingly?

16 A A telephone message.

17 Q Okay. So there was no central log of who
18 complained and when they complained and what they
19 complained about?

20 A No.

21 Q Do you still have any record of these
22 telephone messages that were given to you?

23 A No, I think they were just pitched after we
24 made the contact, and we had to start getting
25 petitions. Then I started keeping the petitions.

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1 Q Now when Mr. Denton called, it says -- I am
2 on page 5 now, the third line. When it says that "Mr.
3 Denton called and he is one who left his name," did he
4 speak with you or he was speaking with someone else?

5 A Most of the time Mr. Denton called late at
6 night. He apparently worked late, and most of the time
7 he called late at night. And the number he left was
8 apparently his home number, and I never could reach him
9 in the daytime. And finally the deejay on duty told
10 him, he said, "Why don't you leave a phone that she can
11 get a hold of you at?" And so he did. And I talked to
12 Mr. Denton, and Mr. Denton said that he had a booster
13 and an amplifier. I told him that we had a filter
14 there at the station that if he wanted to pick up, I
15 told him how that he would have to install it before
16 the booster and also before the amplifier on the
17 antenna. He came by and picked up a filter.

18 Q Now did Mr. Denton also tell you that he had
19 more than one television and that not all of his
20 televisions were connected to the booster and the
21 amplifier?

22 A No, he never mentioned any -- he didn't say
23 how many TVs he had. He didn't say one or he didn't
24 say two or anything of that nature.

25 Q The reference here to Mrs. Hillis, it is

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1 about three lines down from, you know, Mr. Denton.

2 A Uh-huh.

3 Q Did you speak with Mrs. Hillis?

4 A I spoke to Mrs. Hillis, yes.

5 Q And what do you recall from that
6 conversation?

7 A At that time, she was complaining about a pay
8 telephone that was -- their pay telephone was having,
9 they were having a lot of trouble with it. That is all
10 I recall of that conversation at that time.

11 Q Okay. She didn't complain about her TVs or
12 her radios?

13 A It was just the pay telephone at that time.

14 Q Now I just want to be clear on something.
15 The October letter that appears as an attachment to
16 your exhibit, the articles from Radio World, they were
17 included with the letter?

18 A Yes.

19 Q Now you may have testified to this, and if
20 you have I'm sorry, I forgot. Did you read through the
21 entirety of the letter, including the articles?

22 A Yes. I didn't understand it, but I read it.

23 Q Right. Well, and who else at the station
24 read through the letter in its entirety so far as you
25 know?

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1 A I really don't know.

2 Q Now in paragraph 8, oh, it is probably about
3 -- well, it is about two-thirds of the way down on page
4 5. It makes reference to 250 such complaints. Now are
5 these complaints in writing?

6 A They were from the FCC.

7 Q From the FCC?

8 A Yes. They had been sent to the FCC and then
9 sent to us.

10 Q Now during this period of October, November,
11 December of 1988, the station generally was operating
12 from what, 6 a.m. to 6 p.m.?

13 A Yes.

14 Q And it was around the first of December that
15 it went to 24 hours per day?

16 A Yes.

17 Q Now when the station was operating from 6
18 a.m. to 6 p.m., did you ever have occasion to go to an
19 individual's house who had complained and observe what
20 their reception was like when KOKS was on the air and
21 what their reception was like when KOKS was off the
22 air?

23 A No.

24 Q During that same time period,
25 October/November of 1988, did you ever go to a

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1 complainant's house to listen to their radio reception
2 at times when KOKS was on the air and then when KOKS
3 was off the air?

4 A No.

5 Q Now in addition to reading the letter and
6 looking at all of the material that Mrs. Raines sent to
7 you, did you ever look at the Commission's blanketing
8 rule?

9 A We didn't have the book.

10 Q Okay. What book is that?

11 A This. We did not have this in our file.

12 Q Okay. And by "this," just for the record, if
13 you could hold it up and I can see it a little better.
14 It is 47 Code of Federal Regulations. And which part
15 do you have there?

16 A What are you talking -- I'm sorry. I don't
17 understand what you are saying.

18 Q Okay.

19 JUDGE STIRMER: Part 70 to 79.

20 MR. SHOOK: All right.

21 BY MR. SHOOK:

22 Q When did you obtain a copy of those rules?

23 A After Mr. Poole made his visit here in May of
24 1989 and he saw that we didn't have one. We were not
25 aware that we needed one. And Mr. Poole said we needed

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1 one, and so we ordered one.

2 Q And when did that arrive? When did the rule
3 book arrive?

4 A Sometime in May of 1989.

5 Q Okay. And at that point did you have
6 occasion to read the blanketing rule?

7 A Yes. The blanketing rule, I think, was also
8 in Mrs. Raines' letter that we received from her.

9 Q Okay.

10 A I believe.

11 Q You are referring to the letter that --

12 A Of October 21, 1988.

13 Q Okay.

14 A I was thinking it was.

15 Q I take it that you are referring to that
16 portion of the attachments that explains what FM
17 blanketing interference is?

18 A "FM Blanketing Interference" is the title of
19 the page.

20 Q Okay. So that is what you knew about the
21 rule at that point?

22 A Yes.

23 Q Okay. Now if you learned from an individual
24 that that individual had a booster, was it your
25 understanding at that point that you had no obligations

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1 relative to that person?

2 A Yes.

3 Q Now did you ever question the individual,
4 though, to determine whether the booster was connected
5 to all of that individual's TVs?

6 A No.

7 Q In other words, when you heard the word
8 "booster," that was the end of it?

9 A No.

10 Q Okay.

11 A No.

12 Q What --

13 A That was not the end of it. The individual
14 called and would say, "I've got a booster" or "I've got
15 an amplifier." Then I would tell them when they put a
16 filter on, it had to be placed in a certain spot for it
17 to work. You have to place a filter before a booster
18 or before an amplifier. If you do not, the booster or
19 the amplifier will just push it right on through the
20 filter. And so this would, I would always make sure
21 that I let them know and understand how to install a
22 filter.

23 Q Okay. How did you come to the understanding
24 of, you know, where it was that you were supposed to
25 place the filter for the filter to work?

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1 A I was told that at the Radio Shack, the
2 people at the Radio Shack, when I went down there and
3 found some filters, the O-75's. And they said, "Now
4 you will have to place these before your booster,
5 because if you do not, the booster is just going to
6 boost the power because that is what it is supposed to
7 do, and it will just boost the power right on through
8 it" -- "the signal right on through it," I should say.

9 Q Okay. But then as a matter of course, you
10 wouldn't ascertain from the individual whether all of
11 that person's TVs were actually connected to the
12 booster?

13 A No.

14 Q You also understood, did you not, that a
15 booster connected to an antenna system generally had
16 nothing to do with a person's radio reception, did you
17 not?

18 A Yes.

19 Q Now did there come a time when your
20 consulting engineer told you that you were not
21 responsible for curing interference to Channel 6,
22 Paducah?

23 A Our consulting engineer?

24 Q Kevin Fisher.

25 A I don't recall if Kevin told us that or not.

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1 I do not recall that.

2 Q Okay. I would like to refer you to the
3 middle of page 6.

4 A Yes.

5 Q There is a sentence that reads, "We had also
6 been told by our consulting engineer, Kevin Fisher, and
7 our communications counsel," and then the rest, "that
8 KOKS was not responsible for curing interference to
9 Channel 6."

10 A Yes. I just didn't recall that.

11 Q Okay. Now --

12 A Kevin Fisher, I am sure, told that to someone
13 there, but I just didn't recall it myself. But it was,
14 I am sure, because he, Kevin Fisher, was the one that
15 got us the -- told us how to get the string filter, the
16 piece of wire, piece of antenna, 300-ohm. And you
17 would tune it to the frequency of 89.5, and that was
18 effective in some of the areas.

19 Q Okay. But in terms of the particular
20 sentence that we just looked over, you don't have any
21 present recollection of Kevin Fisher telling you about
22 KOKS's responsibility?

23 A Kevin didn't tell me. He told --

24 JUDGE STIRMER: Did he tell someone at the
25 radio station?

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1 THE WITNESS: He told Mr. Stewart at the
2 radio station.

3 JUDGE STIRMER: That is your understanding?

4 THE WITNESS: Yes, that is my understanding.

5 MR. SHOOK: Okay.

6 BY MR. SHOOK:

7 Q Now with respect to communications counsel,
8 is that the same scenario? Did he actually speak with
9 you or he spoke with Mr. Stewart?

10 A I spoke to Mr. Dunne. Also, Mr. Dunne sent
11 us a letter stating just that.

12 Q Okay. So, I mean, at least here you have a
13 present recollection that communications counsel told
14 you --

15 A Yes.

16 Q -- that you were not responsible for curing
17 interference to Channel 6?

18 A Yes, uh-huh.

19 Q Now how many occasions did you have to speak
20 with Mrs. Raines from the Federal Communications
21 Commission during the months of October through
22 December of 1988?

23 A I would say three to four times.

24 Q And how was it that you were in touch with
25 her? Did you call her or did she call you?

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1 A I called her.

2 Q And was the purpose for your call to her --
3 did you ever have a reason to call her other than with
4 respect to blanketing interference questions?

5 A No.

6 Q So your calls all dealt with blanketing
7 interference?

8 A Yes.

9 Q And what you were supposed to do about it?

10 A Yes.

11 Q Okay. Now moving on to paragraph 9.

12 A Okay.

13 Q When were the first times that you were
14 actually in someone's house for the purpose of trying
15 to restore reception? Was that beginning in December
16 of 1988?

17 A I would say probably in December of 1988.

18 Q Now when you went to a person's house during
19 this first month, did you discover anyone who had a
20 booster, who hadn't told you before, and then when you
21 went there you found out that there was a booster?

22 A Yes.

23 Q And do you recall any of the individuals, you
24 know, where that situation existed?

25 A No, I can't recall a name. There were some

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1 homes I went to that had boosters.

2 Q Okay. Now when you went to a person's home
3 and you discovered that they had a booster, what
4 happened then?

5 A I would tell them how to install a filter.
6 At the time when I first went, only had the string
7 filter. And I did not, I was not aware of how to
8 handle a booster with a string filter at that time. So
9 I would make a note of this individual that had the
10 booster, and I told them that I would get back with
11 them with technical assistance. And we had the O-75.
12 I found out about the O-75 trap, which is a good,
13 little trap. It is a real good, decent, little trap.
14 And I would give them the information concerning it and
15 how to install it before the booster.

16 Q Now moving on to page 8 of your testimony.
17 Do you recall dealing with Mary Wynn?

18 A Yes.

19 Q And do you recall how it was that you came to
20 her house? I mean, what occasioned your trip to Mary
21 Wynn's house?

22 A I don't recall whether it was through a
23 petition or a telephone call. I would say probably
24 through a petition. I am not sure.

25 Q Now I would like to direct your attention to

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1 Mass Media Exhibit No. 10, specifically page 7.

2 A Page 7? Yes.

3 Q Okay. Now do you recall approximately when
4 you first -- first of all, you have seen this document
5 before, haven't you?

6 A Yes.

7 Q Okay. Do you recall approximately when you
8 first saw it?

9 A Sometime in the month of December '88.

10 Q And was this the document that more or less
11 triggered your call to Mary Wynn in order to arrange a
12 home visit?

13 A Yes.

14 Q Now I would like to refer you to page 9.

15 A Of this?

16 Q Yes, ma'am. Now did there come a time when
17 you saw page 9?

18 A Yes.

19 Q And do you recall approximately when that
20 happened?

21 A That would have probably been in February or
22 something like that of '89. Because these were sent to
23 the FCC, and then by the time they got back to us,
24 there would be a two- or three-week period in between
25 the date on the petition and when we received them at

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1 | the station.

2 | Q Okay. Would that also be true with respect

3 | to page 11?

4 | A Yes.

5 | Q So you did see page 11, you know, some weeks

6 | after it was dated?

7 | A Yes.

8 | Q And was page 12 included with page 11?

9 | A I do not recall.

10 | Q Okay. Do you recall ever having seen page 12

11 | before?

12 | A No, I do not.

13 | Q Could you move to page 14, please? Do you

14 | recall ever having seen page 14 before?

15 | A Yes.

16 | Q And that was what? Several weeks after it

17 | was dated?

18 | A Yes.

19 | Q Again, it was sent first to the FCC and then

20 | sent to you?

21 | A Yes.

22 | Q Is that also true with page 16?

23 | A Page 16? Yes.

24 | Q In other words, you saw this several weeks

25 | after it was dated?

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1 A Yes.

2 Q Now I would like to refer your attention to
3 Mass Media Exhibit No. 17. Do you see on the second
4 page under "Complaints Resolved"?

5 A Yes.

6 Q Now Mary Wynn's name is noted there.
7 Correct?

8 A Yes.

9 Q Do you know how that information came to be
10 associated with this letter?

11 A I made a visit to her home, put on a string
12 filter. She was receiving everything except Channel 6,
13 and it was our understanding that we were not
14 responsible to restore Channel 6. And so I turned it
15 in as her complaint was resolved, because she was
16 receiving all of her channels except Channel 6.

17 Q Okay. So this was information that you
18 transmitted to Mr. Dunne?

19 A Yes.

20 Q In other words, you told Mr. Dunne that
21 Mary Wynn's complaint was resolved?

22 A Yes.

23 Q Now referring you back to Mass Media Exhibit
24 No. 10, okay, page 9. Okay. Do you see what it is in
25 the lower left-hand portion that appears to be circled?

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1 A Yes.

2 Q And we have TVs and their channel numbers

3 noted there?

4 A Yes.

5 Q Channels 6, 12 and 15?

6 A Yes.

7 Q And radios are circled?

8 A Yes.

9 Q And do you see what is printed underneath

10 there? It looks like somebody's printing?

11 A Yes.

12 Q Now did you read this?

13 A Yes. I made a subsequent visit to Mrs.

14 Wynn's home and installed an O-75 on her TV, and also a

15 choke on her radio.

16 Q Okay. And when did that visit take place?

17 A After this. I don't remember. I don't

18 recall the date, but I am sure it was after -- after

19 one of these letters here, when I saw that she was not

20 satisfied.

21 Q Okay. So, in other words, this and/or some

22 other complaints that Mrs. Wynn sent in occasioned a

23 second visit on your part?

24 A Yes.

25 Q Now how many visits do you remember making to

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1 Mary Wynn's residence?

2 A Three.

3 Q And that second visit was relatively close in
4 time to the first visit? Within several months?

5 A Within several months.

6 Q Okay. Is it your recollection that that
7 second visit took place before what Mary Wynn noted --
8 do you see page 14?

9 A The second visit, did you say?

10 Q Yes, ma'am.

11 A Are you saying did it take place before this?

12 Q Correct.

13 A I really don't know if it did or not. I
14 don't know the date of the second visit right offhand.

15 Q Okay. I am going to place before you another
16 document.

17 MR. SHOOK: Your Honor, I have placed before
18 the witness Mass Media Exhibit No. 21, specifically
19 page 19.

20 BY MR. SHOOK:

21 Q Do you see the reference there after No. 81?

22 A Yes.

23 Q And what do those -- can you tell us what
24 those dates represent there? The 12/4/88, the 1/19/88
25 and the 4/27/89?

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1 A I would assume they meant visits to Mrs.
2 Wynn's home.

3 Q Okay. I am just wondering if, you know, do
4 you have a firmer recollection?

5 A No, I really don't know. I would have to --
6 you know, the records would have to be looked up.

7 Q Okay. Now reading to yourself the two
8 paragraphs that are written there underneath, does that
9 refresh your recollection about what those other dates
10 might represent?

11 A It would account for the January one. It
12 would account for the second visit.

13 Q Okay. According to those two paragraphs, you
14 made two visits to Mrs. Wynn's home? Correct? January
15 and April?

16 A Yes.

17 Q And that is what you have -- that is
18 essentially what you have testified to?

19 A January and April. Now this, I don't know
20 about the one on the 19th. Like I said, I don't have
21 the dates before me here, and I cannot confirm these
22 dates to be a visit to her home because I don't have my
23 dates here with me.

24 Q Okay. But your recollection is that you did
25 go to her home at least twice during that period?

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